

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 12-16 are currently being prosecuted. Claims 12 and 16 are amended. Claim 12 is independent. The Examiner is respectfully requested to reconsider her rejections in view of the amendments and remarks set forth herein.

Reasons for Entry of Amendments

Entry of the present Amendment is respectfully requested in view of the fact that the changes herein automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that the present Amendment be entered for the purpose of appeal. This Amendment was not presented at an earlier date in view of the fact that Applicants did not fully appreciate the Examiner's position until the final Office Action was reviewed.

Rejection under 35 U.S.C. §103(a)

Claims 12-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mayfield (U.S. 5,928,692) in view of Mally et al. (U.S. 4,832,970) and Nakajima (U.S. 4,670,276). This rejection is respectfully traversed.

While not conceding the appropriateness of the rejection, but merely to advance prosecution of the present application, independent claim 12 is amended to recite a

combination of elements directed to a laminated cheese food, including a multilayer structure produced by piling a plurality of laminated cheese foods, each of the plurality of laminated cheese foods of the multilayer structure having at least three layers, the at least three layers including:

two external layers of platy food material containing cheese, and having inherent releasability from external layers of adjoining ones of the plurality of laminated cheese foods when piled; and

an intermediate layer of platy food material, wherein the intermediate layer may be formed of a plurality of intermediate layers of platy food material which inherently bond together, the intermediate layer being disposed between and being inherently capable of bonding to the two external layers of platy food material,

wherein each of the plurality of laminated cheese foods of the multilayer structure is releasable from the adjoining ones of the plurality of laminated cheese foods of the multilayer structure.

Full support for the novel combination of elements set forth in independent claim 12, as amended herein, can be found in the specification, for example on pages 20-21. See also, FIG. 7, which illustrates a multilayer structure produced from piling a plurality of laminated cheese foods t_1 , t_2 , t_3 , etc, each of these laminated cheese foods including external layers A, B, and intermediate layer B.

It is respectfully submitted that the combination of elements set forth in independent claim 12 is not disclosed or made obvious by the prior art of record, including Mayfield, Mally et al., and Nakajima.

A careful review of the Mayfield document indicates that Mayfield fails discloses a multilayer structure produced by piling a plurality of laminated cheese foods, each of said plurality of laminated cheese foods having at least three layers, each of the at least three layers, including two external layers of platy food material containing cheese, and having inherent releasability from external layers of adjoining ones of the plurality of platy food materials when piled, and an intermediate layer of platy food material, as set forth in independent claim 12 as amended herein. As can be seen in FIG. 2 of Mayfield, this document merely discloses external layers 44, 46 of bread, and fails to disclose a plurality of laminated cheese foods piled to form a multilayer structure.

Regarding the Mally et al. and Nakajima patents, these documents fail to make up for the deficiencies of Mayfield.

As such, it is respectfully submitted that the combination of elements set forth in independent claim 12 is not disclosed or made obvious by the prior art of record, including Mayfield, Mally et al. and Nakajima.

Thus, it is believed that independent claim 12 is in condition for allowance and that dependent claims 13-16 are also allowable due to their dependence on allowable claim 12, as well as for the additional novel limitations contained therein. For example, the Examiner

will also note that dependent claim 16 is amended herein to recite a novel combination of elements directed to the laminated cheese food package according to Claim 12, the package being formed by wrapping the multilayer structure produced by piling said plurality of laminated cheese foods, each of said plurality of laminated cheese foods having said at least three layers. None of the references cited by the examiner teaches or suggest a package formed by wrapping a multilayer structure produced by piling a plurality of laminated cheese foods, each having three or more layers, as set forth in claim 16 as amended herein.

In view of the above amendments and arguments, reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) are, therefore, respectfully requested. All claims of the present application should be deemed allowable.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

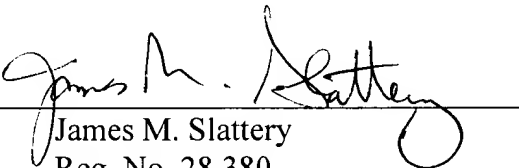
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, she is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

Pursuant to the provisions of 37 CFR 1.17 and 1.136(a), Applicants respectfully petitions for a one (1) month extension of time for filing a response in connection with the present application. The required fee of \$110.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
James M. Slattery
Reg. No. 28,380

4035-0116P
JMS/CTT/mua



P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000